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C O N F I D E N T I A L SECTION 01 OF 02 BAKU 001140

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SUBJECT: COE HUMAN RIGHTS COMMISSIONER THOMAS HAMMARBERG'S  
VISIT TO BAKU

Classified By: AMBASSADOR ANNE E. DERSE PER 1.4(B,D).

¶1. (C) SUMMARY: During a September 3-7 trip to Baku, the Council of Europe's Human Rights Commissioner Thomas Hammarberg met with a wide range of GOAJ officials, NGO activists, high-profile prisoners, and representatives of international organizations. Hammarberg told the Ambassador that the Council of Europe (COE) is effective because it is able to address problems with COE members, like Azerbaijan, from the "inside" - through their membership and commitments - rather than making demands from the outside. The COE's Special Representative to Azerbaijan, Denis Bribosia, said that Hammarberg's visit was largely positive, and that his main concerns were health, education, and prison conditions. The Commissioner's trip garnered widespread press coverage, particularly on his publicly expressed concerns on refugees, missing persons, prison conditions, and media freedom. We believe Hammarberg's visit made a positive impact, and will use the recommendations in his forthcoming assessment report to press the GOAJ for democratic reform. END SUMMARY

¶2. (SBU) The COE's Human Rights Commissioner, Thomas Hammarberg, conducted a five-day trip to Baku. Over the course of his September 3-7 trip, he met with a wide range of government officials, civil society activists, representatives of international organizations, and high-profile prisoners, in addition to visiting several prisons and taking a trip to Ganja, Azerbaijan's second largest city. Hammarberg's visit captured much press attention, mostly focused on concerns he raised regarding refugees, missing persons, prison conditions, and media freedom.

#### HAMMARBERG'S MEETING WITH THE AMBASSADOR

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¶3. (C) In a September 4 meeting with the Ambassador, Hammarberg said that the value of the COE in countries like Azerbaijan is their COE membership; the organization is able to address problems from the inside, in terms of their COE commitments, rather than making what can seem as demands from the outside. He expressed concern that the European Court of Human Rights, verdicts are making an impact in some member states, like Russia, in the sense that the governments adhere to the fines as stipulated by the rulings, but have not yet resulted in major structural changes. Nonetheless, he noted that the numerous pending cases against Azerbaijan will have an impact once they begin to be processed. Hammarberg told the Ambassador that the main purpose of his visit was to gather information for an assessment report, which will include recommendations for the GOAJ and will be released approximately three months after his visit. He noted that Azerbaijan has been one of the strongest COE members in terms

of conforming its laws to European standards, but cautioned that implementation of these laws remains a problem.

14. (C) Hammarberg said that he believed Minister of Justice Fikret Mammadov "seemed to agree" with the concerns the Commissioner raised, but had indicated that "others" in the GOAJ do not, particularly regarding the repressive media environment. He noted his impression that Human Rights Ombudswoman Elmira Suleymanova appears to be operating in the space that is available to her, although he understood that she is generally perceived to be not completely independent. Hammarberg said he would keep a close eye on the election of the next Ombudsman, an office which he believes could significantly change the direction of the GOAJ's human rights approach. (NOTE: Ombudsmen are elected for seven-year terms; Suleymanova has completed more than five years of her term.)

#### POST-TRIP READOUT

15. (C) According to COE Special Representative to Azerbaijan Denis Bribosia, most of the Commissioner's meetings were positive, and Hammarberg had been particularly surprised by Minister of National Security Eldar Mahmudov's positive attitude. He said that Hammarberg's primary concerns were more social than political, focused on areas such as health, education, and prison conditions. According to Bribosia, Hammarberg concluded that living conditions for IDPs have improved significantly over the past several years. Bribosia confided that there was one snag in the mostly positive trip: the GOAJ had not wanted Hammarberg to travel outside of Baku, but the Commissioner thought it was important to assess

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regional conditions. Hammarberg visited Ganja, Azerbaijan's second largest city, and was accompanied by Human Rights Ombudswoman Elmira Suleymanova the entire time, which his delegation did not appreciate. (Bribosia also mentioned that as of September 11, there was a COE delegation present in Azerbaijan to assess the status of minority groups' rights, traveling mostly in Azerbaijan's southern regions to meet with Talysh populations; the delegation has been accompanied everywhere by two representatives of the Presidential Apparatus.)

16. (C) According to Bribosia, Hammarberg did not find the media situation to be as catastrophic as had been portrayed in the press, although Bribosia noted that he did not get a readout of the Commissioner's meeting with jailed Realny Azerbaijan Editor Eynulla Fatullayev on the last day of his visit, which may have changed his opinion. Bribosia said that the press coverage of Hammarberg's meeting with President Aliyev was incorrect. Although the press reported that Hammarberg had asked the President to pardon the seven imprisoned journalists, Bribosia said that the Commissioner did not ask for a pardon but instead stated that he did not believe journalists should be jailed for their work. The President gave Hammarberg the standard GOAJ position that the media problems were rooted in the unprofessional behavior of journalists, and said that if there were really a government campaign against the media, he would crack down much harder. Bribosia said that if the journalists are still in prison when Hammarberg's assessment report is released, it will likely recommend that they be pardoned.

#### COMMENT

17. (C) The COE remains one of the strongest Western influences in Azerbaijan, due in large part to the legal framework to which member states must adhere. Visits of high-level COE officials, like Hammarberg's, focused on democracy and human rights issues, play an important role in calling public attention to the GOAJ's progress and shortcomings on these issues. We believe Hammarberg's visit

made a positive impact, and will use the recommendations in his forthcoming report to press the GOAJ for democratic reform.

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